

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

AMD-FO
(CHRON)

NOV 13 2003

OFFICE OF
MANAGING DIRECTOR

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Suite 301
Washington, D.C. 20016

RE: Request for Waiver of Late Charge
Penalty for FY 2002 Regulatory Fees
Eure Communications, Inc.
Fee Control No. 00000RROG-03-094

Dear Mr. Smithwick:

This is in response to the request dated August 6, 2003 for waiver of the late charge penalty for late payment of the Fiscal Year (FY) 2002 regulatory fees, filed on behalf of Eure Communications, Inc. (Eure), licensee of Stations WQMZ(FM), WWWV(FM), and WINA(AM), Charlottesville, Virginia. Our records reflect that you have not paid the \$925.00, \$2,250.00, and \$1,435.00 regulatory fees for Stations WQMZ(FM), WWWV(FM), and WINA(AM), respectively. Our records also reflect that you have not paid the \$231.25, \$562.50, \$358.75 late charge penalties for late payment of the regulatory fees for Stations WQMZ(FM), WWWV(FM), and WINA(AM), respectively.

In support of your request, you provide a declaration from an employee of Eure who states that on September 11, 2002, she prepared an FCC Form 159 ("Remittance Advice") and a check in the amount of \$4,610.00 in payment of the regulatory fees for Stations WQMZ(FM), WWWV(FM), and WINA(AM), and sent the documents to the Commission's post office box in Pittsburgh, Pennsylvania. The employee states that after learning from the Commission that it had not received the FY 2002 regulatory fees from Eure, the employee was advised by Eure's bank "that the check . . . was never paid by the bank."

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that Stations WQMZ(FM), WWWV(FM), and WINA(AM) met this obligation. Therefore, your request is denied.

The Commission's rules, however, provide that if "a fee payment fails due to error by the payor's bank, as evidenced by an affidavit of an officer of the bank, the date of the original submission will be considered the date of filing." 47 C.F.R. §1.1164(b). In light of your assertion that payment was timely but not made by the bank, we will afford you 30 days from this letter to submit an affidavit of an officer of the bank with which you had the account on which the check was drawn in September 2002 stating that it was that bank's error that the payment failed.

Within 30 days of the date of this letter, you must submit an affidavit as described above or you must file the FY 2002 regulatory fees and late charge penalties for late payment of the regulatory fees together with a Form FCC 159 (copy enclosed). If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure

00000 R R.6 - 03 - 094

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED
FCC
AUG - 6 2003
AUG 20 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Liability of)

Eure Communications, Inc.)

For Regulatory FY 2002 Regulatory Fees)

To: The Managing Director

PETITION FOR RECONSIDERATION
OR WAIVER OF PENALTY

Eure Communications, Inc. ("Eure"), by its attorneys, and pursuant to Section 1.106, 1.1166 and 1.1167 of the Commission's Rules hereby petitions for reconsideration or waiver of the action taken July 7, 2003, by the Chief, Revenue & Receivables Operations Group by issuing two "Bill Collection" documents dated July 7, 2003, to Eure for failure to pay the FY 2002 regulatory fees for Stations WQMZ(FM) and WWWV(FM), Charlottesville, VA. Eure is combining in this petition a request for relief of the penalty of imposed for late filing, and the imposition of late-filing penalties imposed in connection with late-filed regulatory fees for WWWV(FM) and WINA(AM), Charlottesville, VA. This petition is timely filed within 30 days of the date of the Chief's letter.

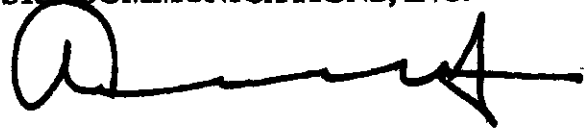
The Chief's letter to Eure states that the amount now due for WQMZ is \$925¹ plus a 25% penalty of \$231.25 for a total payment of \$1,156.25. For WWWV(FM), the fee was \$2,250 plus a penalty of \$562.50 for a total of \$2,812.50. If the payment has been made, she invites Eure to provide a complete copy of Eure's submission including proof of payment. Eure is today responding to the Chief's letter under separate cover, however, Section 1.1166(a) of the Rules requires any petition for waiver, reduction or deferral of a

¹ The Commission's fee schedule for 2002 reflects a fee of \$975 due for WQMZ.

RECEIVED SEP 1 1 2003

fee to be submitted as a separate pleading along with the fee payment to the Commission at its Pittsburgh, Pennsylvania, lockbox bank address. The Bill Collection issued to Eure states that the due date for the payment is August 11, 2003. Eure intends to deliver a check in payment of the fees and penalty to the Commission's lockbox bank by that due date, but is seeking a refund of the penalty. According to the attached declaration of Faketa Pontious, payment of a fee of \$4,610 for WQMZ, WWWV and WINA² was mailed to the FCC September 11, 2002. A copy of Eure's FCC Form 159 is attached to the declaration. Ms. Pontious states that when she received the FCC's July 7, 2003, letter, she checked her records and found that the check to the FCC had not been paid by the bank. Eure will submit by the due date a check in the amount of \$5,762.50 in payment of the fee including the 25% penalty. However, since Eure mailed the fee to the FCC in a timely fashion, it would be inappropriate to assess the 25% penalty on the difference, and on these grounds, Eure is today seeking a waiver of the assessment of the \$1,152.50 penalty and a refund of the \$1,152.50 penalty.

Respectfully submitted,
EURE COMMUNICATIONS, INC.



By _____
Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.
5028 Wisconsin Avenue, NW, Suite 301
Washington, DC 20016
202-363-4560
August 6, 2003

² No delinquent notice has been received regarding WINA.

DECLARATION

Faketa Pontious, under penalty of perjury, declares as follows:

I am employed by Eure Communications, Inc. ("Eure"), licensee of WINA, WWWV and WQMZ, Charlottesville, Virginia.

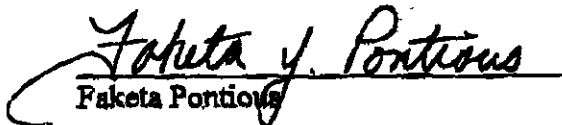
It is within my job responsibility to submit the annual FCC regulatory fees for Eure's stations.

On September 11, 2002, I prepared FCC Form 159 (Remittance Advice) transmitting to the FCC a check in the amount of \$4,610 in payment of the regulatory fees for Eure. I mailed the Form 159 and the check to the FCC at P. O. Box 358835, Pittsburgh, PA, 15251-5835, as instructed by the FCC. A copy of the Form 159 is attached hereto.

By letters dated July 7, 2003, the FCC advised Eure that it had not received the regulatory fees for FY 2002 from Eure. Upon receipt of the FCC's letter, I learned that the check was never received by the FCC. Eure's bank confirms that the check (No. 16202) was never paid by the bank.

I timely mailed Eure's regulatory fee to the Commission, but I cannot explain why it was not timely received.

Executed this 30th day of July, 2003.


Faketa Pontious

Approved by OMB
3060-0389
Page No 1 of 3

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX #

SECTION A - PAYER INFORMATION

(3) TOTAL AMOUNT PAID (U.S. Dollars and

(2) PAYER NAME (If paying by credit card, enter name exactly as it appears on your card)

EURE COMMUNICATIONS

4161.00.00

(4) STREET ADDRESS LINE NO. 1

1140 ROSE HILL DRIVE

(5) STREET ADDRESS LINE NO. 2

(6) CITY

CHARLOTTEVILLE

(7) STATE

VA

(8) ZIP CODE

22903-15128

(9) DAYTIME TELEPHONE NUMBER (include area code)

4342202310

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0003-7812-34

(12) PAYER (TIN)

226902627

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

EURE COMMUNICATIONS, INC.

(14) STREET ADDRESS LINE NO. 1

1140 ROSE HILL DRIVE

(15) STREET ADDRESS LINE NO. 2

(16) CITY

CHARLOTTEVILLE

(17) STATE

VA

(18) ZIP CODE

22903-15128

(19) DAYTIME TELEPHONE NUMBER (include area code)

4342202310

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

0003-7812-34

(22) APPLICANT (TIN)

5411895599

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

W1W1V

(24A) PAYMENT TYPE CODE

0250

(25A) QUANTITY

1

(26A) FEE DUE FOR (PTC)

2250.00

(27A) TOTAL FEE

2250.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID

W1MA

(24B) PAYMENT TYPE CODE

0225

(25B) QUANTITY

1

(26B) FEE DUE FOR (PTC)

975.00

(27B) TOTAL FEE

975.00

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, Patricia Y. Partitions

certify under penalty of perjury that the foregoing and supporting information is true and correct to

the best of my knowledge, information and belief.

SIGNATURE

Patricia Y. PartitionsDATE 9-11-02

SECTION E - CREDIT CARD PAYMENT INFORMATION

EXPIRATION

(31)

☐

MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER:

☐

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE

DATE

LAW OFFICES

SMITHWICK & BELENDIUK, P.C.

6026 WISCONSIN AVENUE, N.W.

SUITE 301

WASHINGTON, D.C. 20016

TELEPHONE (202) 363-4050

FACSIMILE (202) 363-4266

STAMP & RETURNGARY S. SMITHWICK
ARTHUR V. BELENDIUK**FCC/MELLON AUG082003**

COUNSEL

WILLIAM M. BARNARD

DIRECT DIAL NUMBER:
E-MAIL ADDRESS:(202) 363-4560
gsmithwick@fccworld.comAugust 8, 2003
VIA COURIERFederal Communications Commission
Revenue and Receivables Operations
P. O. Box 358835
Pittsburgh, PA 15251-5835

Re: Eure Communications, Inc.
Regulatory Fees
Bill No. FY03MM0195 (WQMZFM)(Pmt Typ Code: 0243, 0299)
Bill No. FY03MM0412 (WWVFM)(Pmt Typ Code: 0250, 0299)
No Bill (WINAAM)(Pmt Typ Code: 0225, 0299)
No Bill (W246AN)(Pmt Typ Code: 0268, 0299)
No Bill (9 Auxiliary Licenses) (Pmt Typ Code: 0269, 0299)

Gentlemen/Ladies:

This responds to the Commission's letters dated July 7, 2003, addressed to Eure Communications, Inc. ("Eure"), licensee of WQMZ(FM), WWV(FM), and WINA(AM), Charlottesville, VA. The letter indicated that the Commission has no record of Eure's 2002 regulatory fee payments for WQMZ and WWV. Eure is also licensee of WINA(AM), Charlottesville, FM Translator W246AN, Waynesboro, VA, and nine auxiliary stations. Only WQMZ and WWV were the subject of the letters.

Eure has determined that it mailed its regulatory fees for all the above authorizations to the Commission, but the payment was never received. Eure is herewith tendering the sum of \$6,265 in payment of the fees and penalties, but has requested reconsideration of the assessment of the penalty.

Enclosed is Eure's check, the bills for WWV and WQMZ,¹ marked-up bills for WINA, W246AN and the auxiliaries, and a copy of Eure's FCC Form 159 dated "9-11-02" that was mailed to (but not received by) the Commission.

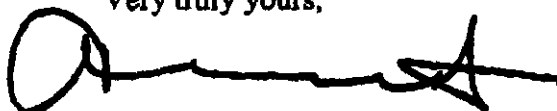
¹ The fee for WQMZ should be \$975, not \$925 as stated in the Commission's letter.

SMITHWICK & BELENDIUK, P.C.

**Federal Communications Commission
Revenue and Receivables Operations
P. O. Box 358835
Pittsburgh, PA 15251-5835
Page Two**

Please call me with any questions you may have.

Very truly yours,



**Gary S. Smithwick
Counsel for
EURE COMMUNICATIONS, INC.**

cc: Eure Communications, Inc.

**Enclosures: Bill No. FY03MM0195 (WQMZFM)(Pmt Typ Code: 0243, 0299)
Bill No. FY03MM0412 (WWWVFM)(Pmt Typ Code: 0250, 0299)
No Bill (WINAAM)(Pmt Typ Code: 0225, 0299)
No Bill (W246AN)(Pmt Typ Code: 0268, 0299)
No Bill (9 Auxiliary Licenses) (Pmt Typ Code: 0269, 0299)**



Federal Communications Commission
Washington, D.C. 20554

October 2, 2003

EURE COMMUNICATIONS, INC.
1140 Rose Hill Drive
Charlottesville, VA 22903

Re: FY03AM0784

Dear Licensee:

This letter is in reference to the annual 2002 regulatory fee(s), which were due to the Federal Communications Commission (Commission) by no later than September 25, 2002. This is a mandatory fee established by Congress in accordance with The Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities.

The Commission is currently verifying its FY 2002 Mass Media Bureau regulatory fees collection to identify those regulatees who have not paid. Our research indicates that we have no record of your 2002 regulatory fee payment for the following call sign:

WINAAM

The amount now due is \$975.00 plus 25% penalty of \$243.75 for late payment of the fee(s). The total amount now due is \$1187.50. Payment in full should be remitted with the enclosed Form 159 to: Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835 within thirty (30) days of the date of this letter. You should submit all payments that may be due including the 25% penalty for each call sign. To obtain a copy of the Public Notice for further instructions, go www.fcc.gov and click on "Fees." Then click on Regulatory Fees and locate your particular service.

If payment has been made, please provide a complete copy of your submission including proof of payment. If you believe you are not obligated to pay under the Commission's rules, please submit complete documentation supporting your position within thirty (30) days of the date of this letter. These documents should be sent to: Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.

We urge you to verify that proper payment was made to the Commission for this or any other call sign in past years. If you find that you were responsible for this payment but neglected to provide it in a past year, please remit those additional fees plus a 25% penalty before additional administrative action is undertaken.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined by CFR Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why its existing instrument of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal Government pursuant to Section 3720A of the Internal Revenue Code and the provisions of the Debt Collection Improvement Act of 1996.

If you need further assistance, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Claudette E. Pride, Chief
Revenue & Receivables Operations Group

Enclosure

Federal Communications Commission Bill Collection

FOR INQUIRIES CALL
1-202-418-1995

Bill Number	Bill Date	Please write your bill number on your remittance.
FY03AM0784	10/2/03	

EURE COMMUNICATIONS, INC.
1140 Rose Hill Drive
Charlottesville, VA 22903

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
Room 1100
445 Constitution Avenue, NW
Washington, DC 20541-2000
FCC Form 159, Rev. 10/95

Total Amount Due	Total Amount Due Must Be Received By	Due Date
\$1187.5		11/3/03

BILL FOR UNPAID REGULATORY FEE OF \$950 AND 25% PENALTY OF \$243.75
WINAAM

(PAYER FCC REGISTRATION NUMBER -FRN) REQUIRED. 0003781234

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code	Quantity	Fee Due	
0225		\$975.00	\$975.00
0299		\$243.75	\$243.75
Total Due			\$1,218.75

Payment Method: Check ☐ (Attach)
Credit card ☐ (Complete Below)

☐ MASTERCARD ☐ VISA ☐ AMERICAN EXPRESS ☐ DISCOVER

Account No.:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration:

--	--	--	--

Month

Year

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE